

REFERENCE TITLE: **schools; superintendents; certification**

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HB 2459

Introduced by
Representatives Goodale, Antenori, Ash, Crandall, Gowan, Tobin, Waters:
Ableser, Barto, Boone, Court, Crump, Fleming, Hendrix, McLain, Montenegro,
Seel

AN ACT

**AMENDING SECTIONS 15-203 AND 15-503, ARIZONA REVISED STATUTES; RELATING TO
SCHOOL DISTRICT EMPLOYEES.**

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 15-203, Arizona Revised Statutes, is amended to
3 read:

4 15-203. Powers and duties

5 A. The state board of education shall:

6 1. Exercise general supervision over and regulate the conduct of the
7 public school system and adopt any rules and policies it deems necessary to
8 accomplish this purpose.

9 2. Keep a record of its proceedings.

10 3. Make rules for its own government.

11 4. Determine the policy and work undertaken by it.

12 5. Appoint its employees, on the recommendation of the superintendent
13 of public instruction.

14 6. Prescribe the duties of its employees if not prescribed by statute.

15 7. Delegate to the superintendent of public instruction the execution
16 of board policies and rules.

17 8. Recommend to the legislature changes or additions to the statutes
18 pertaining to schools.

19 9. Prepare, publish and distribute reports concerning the educational
20 welfare of this state.

21 10. Prepare a budget for expenditures necessary for proper maintenance
22 of the board and accomplishment of its purposes and present the budget to the
23 legislature.

24 11. Aid in the enforcement of laws relating to schools.

25 12. Prescribe a minimum course of study in the common schools, minimum
26 competency requirements for the promotion of pupils from the third grade and
27 minimum course of study and competency requirements for the promotion of
28 pupils from the eighth grade. The state board of education shall prepare a
29 fiscal impact statement of any proposed changes to the minimum course of
30 study or competency requirements and, on completion, shall send a copy to the
31 director of the joint legislative budget committee and the executive director
32 of the school facilities board. The state board of education shall not adopt
33 any changes in the minimum course of study or competency requirements in
34 effect on July 1, 1998 that will have a fiscal impact on school capital
35 costs.

36 13. Prescribe minimum course of study and competency requirements for
37 the graduation of pupils from high school. The state board of education
38 shall prepare a fiscal impact statement of any proposed changes to the
39 minimum course of study or competency requirements and, on completion, shall
40 send a copy to the director of the joint legislative budget committee and the
41 executive director of the school facilities board. The state board of
42 education shall not adopt any changes in the minimum course of study or
43 competency requirements in effect on July 1, 1998 that will have a fiscal
44 impact on school capital costs.

1 14. Supervise and control the certification of persons engaged in
2 instructional work directly as any classroom, laboratory or other teacher or
3 indirectly as a supervisory teacher, speech therapist, ~~OR~~ principal ~~or~~
4 ~~superintendent~~ in a school district, including school district preschool
5 programs, or any other educational institution below the community college,
6 college or university level, and prescribe rules for certification, including
7 rules for certification of teachers who have teaching experience and who are
8 trained in other states, which are not unnecessarily restrictive and are
9 substantially similar to the rules prescribed for the certification of
10 teachers trained in this state. The rules shall require applicants for all
11 certificates for common school instruction to complete a minimum of
12 forty-five classroom hours or three college level credit hours, or the
13 equivalent, of training in research based systematic phonics instruction from
14 a public or private provider. The rules shall not require a teacher to
15 obtain a master's degree or to take any additional graduate courses as a
16 condition of certification or recertification. The rules shall allow a
17 general equivalency diploma to be substituted for a high school diploma in
18 the certification of emergency substitute teachers.

19 15. Adopt a list of approved tests for determining special education
20 assistance to gifted pupils as defined in and as provided in chapter 7,
21 article 4.1 of this title. The adopted tests shall provide separate scores
22 for quantitative reasoning, verbal reasoning and nonverbal reasoning and
23 shall be capable of providing reliable and valid scores at the highest ranges
24 of the score distribution.

25 16. Adopt rules governing the methods for the administration of all
26 proficiency examinations.

27 17. Adopt proficiency examinations for its use. The state board of
28 education shall determine the passing score for the proficiency examination.

29 18. Include within its budget the cost of contracting for the purchase,
30 distribution and scoring of the examinations as provided in paragraphs 16 and
31 17 of this subsection.

32 19. Supervise and control the qualifications of professional
33 nonteaching school personnel and prescribe standards relating to
34 qualifications.

35 20. Impose such disciplinary action, including the issuance of a letter
36 of censure, suspension, suspension with conditions or revocation of a
37 certificate, upon a finding of immoral or unprofessional conduct.

38 21. Establish an assessment, data gathering and reporting system for
39 pupil performance as prescribed in chapter 7, article 3 of this title.

40 22. Adopt a rule to promote braille literacy pursuant to section
41 15-214.

42 23. Adopt rules prescribing procedures for the investigation by the
43 department of education of every written complaint alleging that a
44 certificated person has engaged in immoral conduct.

24. For purposes of federal law, serve as the state board for vocational and technological education and meet at least four times each year solely to execute the powers and duties of the state board for vocational and technological education.

25. Develop and maintain a handbook for use in the schools of this state that provides guidance for the teaching of moral, civic and ethical education. The handbook shall promote existing curriculum frameworks and shall encourage school districts to recognize moral, civic and ethical values within instructional and programmatic educational development programs for the general purpose of instilling character and ethical principles in pupils in kindergarten programs and grades one through twelve.

26. Require pupils to recite the following passage from the declaration of independence for pupils in grades four through six at the commencement of the first class of the day in the schools, except that a pupil shall not be required to participate if the pupil or the pupil's parent or guardian objects:

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their creator with certain unalienable rights, that among these are life, liberty and the pursuit of happiness. That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed. . . .

27. Adopt rules that provide for teacher certification reciprocity. The rules shall provide for a one year reciprocal teaching certificate with minimum requirements including valid teacher certification from a state with substantially similar criminal history or teacher fingerprinting requirements and proof of the submission of an application for a fingerprint clearance card pursuant to title 41, chapter 12, article 3.1.

28. Adopt rules that will be in effect until December 31, 2006 and that provide for the presentation of an honorary high school diploma to a person who has never obtained a high school diploma and who meets each of the following requirements:

(a) Is at least sixty-five years of age.

(b) Currently resides in this state.

(c) Provides documented evidence from the Arizona department of veterans' services that the person enlisted in the armed forces of the United States before completing high school in a public or private school.

(d) Was honorably discharged from service with the armed forces of the United States.

29. Cooperate with the Arizona-Mexico commission in the governor's office and with researchers at universities in this state to collect data and conduct projects in the United States and Mexico on issues that are within the scope of the duties of the department of education and that relate to quality of life, trade and economic development in this state in a manner

1 that will help the Arizona-Mexico commission to assess and enhance the
2 economic competitiveness of this state and of the Arizona-Mexico region.

3 30. Adopt rules to define and provide guidance to schools as to the
4 activities that would constitute immoral or unprofessional conduct of
5 certificated persons.

6 31. Adopt guidelines to encourage pupils in grades nine, ten, eleven
7 and twelve to volunteer for twenty hours of community service before
8 graduation from high school. A school district that complies with the
9 guidelines adopted pursuant to this paragraph is not liable for damages
10 resulting from a pupil's participation in community service unless the school
11 district is found to have demonstrated wanton or reckless disregard for the
12 safety of the pupil and other participants in community service. For the
13 purposes of this paragraph, "community service" may include service
14 learning. The guidelines shall include the following:

15 (a) A list of the general categories in which community service may be
16 performed.

17 (b) A description of the methods by which community service will be
18 monitored.

19 (c) A consideration of risk assessment for community service projects.

20 (d) Orientation and notification procedures of community service
21 opportunities for pupils entering grade nine, including the development of a
22 notification form. The notification form shall be signed by the pupil and
23 the pupil's parent or guardian, except that a pupil shall not be required to
24 participate in community service if the parent or guardian notifies the
25 principal of the pupil's school in writing that the parent or guardian does
26 not wish the pupil to participate in community service.

27 (e) Procedures for a pupil in grade nine to prepare a written proposal
28 that outlines the type of community service that the pupil would like to
29 perform and the goals that the pupil hopes to achieve as a result of
30 community service. The pupil's written proposal shall be reviewed by a
31 faculty advisor, a guidance counselor or any other school employee who is
32 designated as the community service program coordinator for that school. The
33 pupil may alter the written proposal at any time before performing community
34 service.

35 (f) Procedures for a faculty advisor, a guidance counselor or any
36 other school employee who is designated as the community service program
37 coordinator to evaluate and certify the completion of community service
38 performed by pupils.

39 32. To facilitate the transfer of military personnel and their
40 dependents to and from the public schools of this state, pursue, in
41 cooperation with the Arizona board of regents, reciprocity agreements with
42 other states concerning the transfer credits for military personnel and their
43 dependents. A reciprocity agreement entered into pursuant to this paragraph
44 shall:

1 (a) Address procedures for each of the following:
2 (i) The transfer of student records.
3 (ii) Awarding credit for completed course work.
4 (iii) Permitting a student to satisfy the graduation requirements
5 prescribed in section 15-701.01 through the successful performance on
6 comparable exit-level assessment instruments administered in another state.
7 (b) Include appropriate criteria developed by the state board of
8 education and the Arizona board of regents.
9 33. Adopt guidelines that school district governing boards shall use in
10 identifying pupils who are eligible for gifted programs and in providing
11 gifted education programs and services. The state board of education shall
12 adopt any other guidelines and rules that it deems necessary in order to
13 carry out the purposes of chapter 7, article 4.1 of this title.
14 34. For each of the alternative textbook formats of human-voiced audio,
15 large-print and braille, designate alternative media producers to adapt
16 existing standard print textbooks or to provide specialized textbooks, or
17 both, for pupils with disabilities in this state. Each alternative media
18 producer shall be capable of producing alternative textbooks in all relevant
19 subjects in at least one of the alternative textbook formats. The board
20 shall post the designated list of alternative media producers on its website.
21 35. Adopt a list of approved professional development training
22 providers for use by school districts as provided in section 15-107,
23 subsection J. The professional development training providers shall meet the
24 training curriculum requirements determined by the state board of education
25 in at least the areas of school finance, governance, employment, staffing,
26 inventory and human resources, internal controls and procurement.
27 36. Adopt rules to prohibit a person who violates the notification
28 requirements prescribed in section 15-183, subsection C, paragraph 6 or
29 section 15-550, subsection C from certification pursuant to this title until
30 the person is no longer charged or is acquitted of any offenses listed in
31 section 41-1758.03, subsection B. The board shall also adopt rules to
32 prohibit a person who violates the notification requirements, certification
33 surrender requirements or fingerprint clearance card surrender requirements
34 prescribed in section 15-183, subsection C, paragraph 7 or section 15-550,
35 subsection D from certification pursuant to this title for at least ten years
36 after the date of the violation.
37 B. The state board of education may:
38 1. Contract.
39 2. Sue and be sued.
40 3. Distribute and score the tests prescribed in chapter 7, article 3
41 of this title.
42 4. Provide for an advisory committee to conduct hearings and
43 screenings to determine whether grounds exist to impose disciplinary action
44 against a certificated person, whether grounds exist to reinstate a revoked
45 or surrendered certificate and whether grounds exist to approve or deny an

1 initial application for certification or a request for renewal of a
2 certificate. The board may delegate its responsibility to conduct hearings
3 and screenings to its advisory committee. Hearings shall be conducted
4 pursuant to title 41, chapter 6, article 6.

5 5. Proceed with the disposal of any complaint requesting disciplinary
6 action or with any disciplinary action against a person holding a certificate
7 as prescribed in subsection A, paragraph 14 of this section after the
8 suspension or expiration of the certificate or surrender of the certificate
9 by the holder.

10 6. Assess costs and reasonable attorney fees against a person who
11 files a frivolous complaint or who files a complaint in bad faith. Costs
12 assessed pursuant to this paragraph shall not exceed the expenses incurred by
13 the state board in the investigation of the complaint.

14 Sec. 2. Section 15-503, Arizona Revised Statutes, is amended to read:

15 15-503. Superintendents, principals, head teachers and school
16 psychologists; term of employment; evaluation;
17 contract delivery; nonretention notice

18 A. The governing board may:

19 1. Employ a superintendent or principal, or both. IF THE GOVERNING
20 BOARD EMPLOYS A SUPERINTENDENT, THE GOVERNING BOARD SHALL DETERMINE THE
21 QUALIFICATIONS FOR THE SUPERINTENDENT.

22 2. Appoint a head teacher.

23 3. Jointly with another governing board employ a superintendent or a
24 principal, or both. IF THE GOVERNING BOARD JOINTLY EMPLOYS A SUPERINTENDENT,
25 THE GOVERNING BOARDS SHALL JOINTLY DETERMINE THE QUALIFICATIONS FOR THE
26 SUPERINTENDENT.

27 B. The term of employment of superintendents or principals may be for
28 any period not exceeding three years, except that if the superintendent's or
29 principal's contract with the school district is for multiple years pursuant
30 to this subsection the school district shall not offer to extend or
31 renegotiate the contract until May of the year preceding the final year of
32 the contract. The school district governing board or the governing body of
33 the charter school shall communicate the superintendent's or principal's
34 duties with respect to the classroom site fund established by section 15-977.

35 C. The governing board shall establish systems for the evaluation of
36 the performance of principals and other school administrators and
37 certificated school psychologists in the school district. In the development
38 and adoption of these performance evaluation systems, the governing board
39 shall avail itself of the advice of its administrators and certificated
40 school psychologists. Each evaluation shall include recommendations as to
41 areas of improvement in the performance of the certificated school
42 psychologist if the performance of the certificated school psychologist
43 warrants improvement. After transmittal of an assessment, a board designee
44 shall confer with the certificated school psychologist to make specific
45 recommendations as to areas of improvement in the certificated school

1 psychologist's performance. The board designee shall provide assistance and
2 opportunities for the certificated school psychologist to improve his
3 performance and shall follow up with the certificated school psychologist
4 after a reasonable period of time for the purpose of ascertaining that the
5 certificated school psychologist is demonstrating adequate performance. The
6 evaluation process for certificated school psychologists shall include appeal
7 procedures for certificated school psychologists who disagree with the
8 evaluation of their performance, if the evaluation is for use as criteria for
9 establishing compensation or dismissal.

10 D. On or before May 15 EACH YEAR, the governing board shall offer a
11 contract for the next school year to each certified administrator and
12 certificated school psychologist who is in the last year of his contract
13 unless, on or before April 15, the governing board, a member of the board
14 acting on behalf of the board or the superintendent of the school district
15 gives notice to the administrator or certificated school psychologist of the
16 board's intention not to offer a new contract. If the governing board has
17 called for an override election for the third Tuesday in May as provided in
18 section 15-481, the governing board shall offer a contract for the next
19 school year to each certified administrator or certificated school
20 psychologist who is in the last year of his contract on or before June 15
21 unless, no later than five days after the override election excluding
22 Saturday, Sunday and legal holidays, the governing board, a member of the
23 board acting on behalf of the board or the superintendent of the school
24 district gives notice to the administrator or the certificated school
25 psychologist of the board's intention not to offer a new contract. The
26 administrator's or the certificated school psychologist's acceptance of the
27 contract shall be indicated within thirty days from the date of the written
28 contract or the offer is revoked. The administrator or certificated school
29 psychologist accepts the contract by signing the contract and returning it to
30 the governing board or by making a written instrument ~~which~~ THAT accepts the
31 terms of the contract and delivering the written instrument to the governing
32 board.

33 E. Notice of the board's intention not to reemploy the administrator
34 or certificated school psychologist shall be made by delivering the notice
35 personally to the administrator or the certificated school psychologist or by
36 sending the notice by certified mail, postmarked on or before the applicable
37 deadline prescribed in subsection D of this section, and directed to the
38 administrator or the certificated school psychologist at his place of
39 residence as recorded in the school district records.